

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 28 MAR 2006

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Applicant's or agent's file reference 514758 GWW	<b>FOR FURTHER ACTION</b>		See Form PCT/IPEA/416
International application No. PCT/NZ2005/000016	International filing date (day/month/year) 14 February 2005	Priority date (day/month/year) 13 February 2004	
International Patent Classification (IPC) or national classification and IPC  Int. Cl.  A47K 3/28 (2006.01)      A47K 3/30 (2006.01)      A47K 3/40 (2006.01)			
Applicant KOHLER NEW ZEALAND LIMITED et al			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 5 sheets, as follows:

☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

☒ Box No. I      Basis of the report

☐ Box No. II      Priority

☐ Box No. III      Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☐ Box No. IV      Lack of unity of invention

☒ Box No. V      Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

☐ Box No. VI      Certain documents cited

☐ Box No. VII      Certain defects in the international application

☐ Box No. VIII      Certain observations on the international application

Date of submission of the demand 12 December 2005	Date of completion of this report 21 March 2006
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer  R. WEBER Telephone No. (02) 6283 2546

**Box No. I Basis of the report**

1. With regard to the language, this report is based on:

- ☒ The international application in the language in which it was filed
- ☐ A translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3(a) and 23.1 (b))
- ☐ publication of the international application (under Rule 12.4(a))
- ☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages **1, 3 to 7** as originally filed/furnished
- pages\* **2a** received by this Authority on **10 march 2006** with the letter of 9 March 2006.
- pages\* **2** received by this Authority on **12 December 2005** with the letter of **24 November 2005**.
- ☒ the claims:
- pages as originally filed/furnished
- pages\* as amended (together with any statement) under Article 19
- pages\* **8 to 10** received by this Authority on **12 December 2005** with the letter of 24 November 2005
- pages\* received by this Authority on with the letter of
- ☒ the drawings:
- pages **1 to 5** as originally filed/furnished
- pages\* received by this Authority on with the letter of
- pages\* received by this Authority on with the letter of

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to the sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to the sequence listing (*specify*):

\* If item 4 applies, some or all of those sheets may be marked "superseded."

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement					
1. Statement						
	Novelty (N)	Claims 1 to 21.	YES			
		Claims	NO			
	Inventive step (IS)	Claims 1 to 21.	YES			
		Claims	NO			
	Industrial applicability (IA)	Claims 1 to 21.	YES			
		Claims	NO			
2. Citations and explanations (Rule 70.7)						
Novelty (N) and Inventive Step (IS) Claims 1 to 21.						
The claims as amended defines a shower enclosure and a pre-fabricated shower base where the shower base has a floor which falls towards a side which is the front side of the shower base, being the side at which a door is provided and that the waste outlet is also provided at the front side of the shower base.						
No individual citation or obvious combination of citations disclose these features. The closest art may be seen in DE 19631232 A.						
Industrial Applicability (IA) Claims 1 to 21.						
All claims are considered to be industrially applicable.						

well as beneath or at the foot of the door of the shower enclosure, to the waste outlet which is provided on one side which is preferably the front side of the shower base. The shower base or

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UK patent application publication 2093342 discloses a pre-formed shower base having a central square floor and a peripheral drain channel which takes water to a corner waste.

- 5 European patent 0492147 discloses a pre-formed shower base having a non-central waste and a peripheral drain channel.

### SUMMARY OF INVENTION

- 10 It is an object of the invention to provide an improved or at least alternative form of pre-formed shower base and/or shower enclosure which is particularly suitable for installing or providing a shower enclosure intended to have a tiled floor.

- 15 In broad terms in one aspect the invention comprises a pre-fabricated shower base for use in installing a shower in a room, which shower base has a floor which falls towards a front side of the shower base and which comprises substantially a single plane whereby the floor of the shower base may be tiled without requiring cutting of flat tiles to accommodate changes in plane of the floor of the shower base, a waste outlet at said front side of the shower base and which is associated with a drain channel which extends around or across the front side of the shower base and which is arranged to drain into the waste outlet, and a formation or formations  
20 around a part of a front side of the shower base for mounting to the shower base a return panel or panels of a shower enclosure on one or both sides of a door of the shower enclosure.

- 25 In broad terms in one aspect the invention comprises a shower enclosure and a shower base having a floor which falls towards a side of the shower base, a waste outlet at said side of the shower base, and a drain channel which extends around or across the front side of the shower base at least beneath and exterior to the door of the enclosure, and which is arranged to drain towards the waste outlet. a shower base having a floor which falls towards the front side of the shower base, a waste outlet at the front side of the shower base and which is associated with a  
30 drain channel which extends around or across the front side of the shower base at least beneath and exterior to the door of the enclosure, and which is arranged to drain into the waste outlet.

In a preferred form the shower enclosure comprises a door and one or more return panels, and the drain channel is provided to extend along or adjacent to the foot of the return panel(s) as

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**CLAIMS:**

1. A shower enclosure comprising:  
at least a door at a front side of the enclosure and,  
5 a shower base having a floor which falls towards the front side of the shower base, a waste outlet at the front side of the shower base and which is associated with a drain channel which extends around or across the front side of the shower base at least beneath and exterior to the door of the enclosure, and which is arranged to drain into the waste outlet.
- 10 2. A shower enclosure according to claim 1 including a non-sealed gap between a bottom edge of the door and the front side of the shower base through which water may flow beneath the door to the drain channel.
3. A shower enclosure according to either one of claims 1 and 2 which comprises return  
15 panel on one or both sides of the door and wherein the drain channel also extends along a foot of the return panel(s) exterior of the return panels.
4. A shower enclosure according to claim 3 including a non-sealed gap between one or  
both side edges of the door and a return panel on one or both sides of the door, through which  
20 water may pass.
5. A shower enclosure according to any one of claims 1 to 4 including a longitudinally  
extending cover member over the drain channel.
- 25 6. A shower enclosure according to any one of claims 1 to 5 wherein the floor of the shower base is substantially planar whereby the floor of the shower base may be tiled without requiring cutting of the tiles to accommodate changes in plane of the floor of the shower base.
7. A shower enclosure according to any one of claims 1 to 6 wherein the floor of the  
30 shower base falls from a high point at a rear side of the shower base to the front side of the shower base.

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8. A shower enclosure according to any one of claims 1 to 7 wherein the waste outlet is recessed into the shower base so as to be at a lower level than the surface of the floor of the shower base and a cover member is provided over the waste outlet.
- 5 9. A shower enclosure according to claim 8 wherein the cover member of the waste outlet has a substantially planar top surface whereby the top surface of the cover member may be tiled and wherein the top surface of the cover member is substantially contiguous with the floor of the shower base.
- 10 10. A shower enclosure according to any one of claims 1 to 9 wherein the shower base at the front side is not higher than the floor of the shower base adjacent the door to the enclosure.
- 15 11. A shower enclosure according to any one of claims 1 to 9 wherein the shower base includes an upstand around the periphery thereof except at the front side of the shower base adjacent the door of the enclosure.
- 20 12. A pre-fabricated shower base for use in installing a shower in a room, which shower base has a floor which falls towards a front side of the shower base and which comprises substantially a single plane whereby the floor of the shower base may be tiled without requiring cutting of flat tiles to accommodate changes in plane of the floor of the shower base, a waste outlet at said front side of the shower base and which is associated with a drain channel which extends around or across the front side of the shower base and which is arranged to drain into the waste outlet, and a formation or formations around a part of a front side of the shower base for mounting to the shower base a return panel or panels of a shower enclosure on one or both sides of a door of the shower enclosure.
- 25 13. A shower base according to claim 12 wherein said formation or formations at the front side of the shower base for mounting a return panel or panels of a shower enclosure is/are between the periphery of the floor of the shower base and the drain channel.
- 30 14. A shower base according to either one of claims 12 and 13 including a longitudinally extending cover member over the drain channel.

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15. A shower base according to any one of claims 12 to 14 wherein the floor of the shower base falls from a high point at a rear side of the shower base to the front side of the shower base.
- 5 16. A shower base according to any one of claims 12 to 15 wherein the waste outlet is recessed into the shower base so as to be a lower level than the surface of the floor of the shower base and a cover member is provided over the waste outlet.
- 10 17. A shower base according to claim 16 wherein the cover member of the waste outlet has a substantially planar top surface whereby the top surface of the cover member may be tiled and wherein the top surface of the cover member is substantially contiguous with the floor of the shower base.
- 15 18. A shower base according to any one of claims 12 to 17 wherein the shower base at the front side is not higher than the floor of the shower base adjacent the door to the enclosure.
19. A shower base according to any one of claims 12 to 17 wherein the shower base includes an upstand around the periphery thereof except at the front side of the shower base adjacent the door of the enclosure.
- 20 20. A shower enclosure comprising:  
a door and a return panel on one or both sides of the door and,  
a shower base having a floor which falls towards the front side of the shower base, a waste outlet at the front side of the shower base and which is associated with a drain channel which  
25 extends exterior to the door of the enclosure and which is arranged to drain into the waste outlet, with a non-sealed gap between a bottom edge of the door and the front side of the shower base through which water may flow beneath the door to the drain channel and wherein the drain channel also extends along a foot of the return panel(s) exterior of the return panels with a non-sealed gap between one or both side edges of the door and a said return panel on one  
30 or both sides of the door, through which water may pass.
21. A shower enclosure according to claim 20 including a longitudinally extending cover member over the drain channel.

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